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The Ethical Standards of the Architects and the Procedure for Their Enforcement

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IT has been said that in the Decalogue we have all the law that is in the province of legislatures and courts to maintain, and that while such bodies may determine arbitrarily what men shall not or must not do, all the wisdom of the world has not been able to determine wisely what men shall do except that they must render justice and respect the rights and property of others. If this is true of government in general, it should furnish the criterion by which to fix the limitations of canons of ethics which are mandatory upon us in our professional relations.

Apart from such influence upon standards of practice as state registration laws may tend to exert, the architectural profession in general is governed chiefly by the ethics of the individual and by public opinion. The exception to this is found where practitioners have entered into an association to support whatever standards of practice they may adopt in recognition of their duties and obligations to the public and to each other.

The American Institute of Architects as such an association, while national in scope, comprises numerically but a fraction of the practitioners throughout the country, notwithstanding the fact that membership is open to all architects of good repute who are qualified by education and experience to assume the varied responsibilities the profession involves. It may be safely assumed, therefore, that the influence unquestionably exercised by the Institute upon the profession at large and upon public opinion, is not by force of numbers but through recognition of the fact

that the principles of practice and ideals of the association are prompted by unselfish motives and aim to promote the interest of the client as well as to raise the standards of the profession in general. The fact that its ethical canons are mandatory upon but a minority of the profession controverts the charge sometimes made that the attitude of the Institute, especially in regard to architectural competitions, is tantamount to "restraint of trade."

The principles of practice promulgated by the Institute are in accord with the purpose expressed in its constitution: namely, to unite in fellowship the architects of the United States, to combine their efforts so as to promote the aesthetic, scientific and practical efficiency of the profession and to make the profession of ever-increasing service to society.

To support its ideals and principles of professional conduct with the least possible interference with the rights of the individual, the constitution of the Institute provides that its canons of ethics shall be accepted by the members as standards of good practice and since these are embodied in the by-laws to which all candidates *ipso facto* subscribe, a disciplinary procedure is provided whereby these principles shall be enforced. Although, as stated, personal integrity and professional standing is expected of all candidates for membership, it is recognized that under the influence of environment and the larger body of practitioners outside of the Institute, in his community an architect may be led away from strict adherence to the ideals of his profession; and for this reason there is issued

periodically to the members a "Circular of Advice Relative to the Principles of Professional Practice and the Canons of Ethics" and also a "Circular of Advice and Information Respecting Competitions," in which the attitude and ideals of the Institute are expressed. In these circulars distinction is made between general principles of practice which are considered to be the good manners of the profession and which should govern the architect in his several relations, and the Canons of Ethics adopted by the Institute.

The general principles thus stated depend chiefly upon self discipline for their maintenance, while on the other hand the Canons are mandatory obligations of membership, infraction of which is subject to the disciplinary procedure established under the constitution and by-laws.

THE CANONS AND THEIR APPLICATION

Referring to the Canons in numerical order, (See page 280) it will be noted that Nos. 1, 2 and 3 rest on the principle that the architect in his capacity as professional adviser to his client in the selection of materials and methods must be absolutely impartial and disinterested; and, accordingly, should not be engaged or in any way personally interested in the building trades or be under personal obligations to manufacturers or others whose products enter into the building operation under his supervision. Certainly he should not specify the use of any material or device in which he has an interest without advising his client.

(No. 2). To guarantee an estimate may tempt the architect to modify the requirements of the work to meet the limit of cost without strict regard for the client's interest or at least influence his judgment as interpreter of the contract drawings and specifications.

The acceptance of a commission (No. 3) or any substantial service from a contractor or any one engaged in the building trades as in the above case may consciously or subconsciously tend to influence the architect's judgment, thus placing him in an unprofessional position in relation to his client's interests.

As stated in the "Circular of Advice and Information Respecting Architectural Competitions," the Institute does not presume to dictate or even offer its advice to architects in general, but, being a professional society charged with maintaining ethical standards among its own members, its duty is to see that they do not take part in competitions that fall below the reasonable standard prescribed by the Institute to establish equitable relations between the owner and the competitors. For a member to take part in a competition that has not received the approval of the Institute (No. 4) is judged unprofessional so far as members of the Institute are concerned.

Where a competition has been established under the approved regulations (No. 5), the owner assumes a moral obligation to those invited or otherwise authorized to participate, to retain one of their number as architect for the work. For an architect not a participant to attempt to secure the commission while the competition is in progress is equivalent to an effort on his part to supplant a fellow practitioner after definite steps have been taken toward his employment.

Absolute and effective anonymity is a necessary condition of a fair and impartial competition (No. 6) and it is understood that the owner and all connected with the project shall refrain from holding any direct communication with the participating architects. For an architect to attempt to influence the owner or others in his favor di-

rectly or indirectly while the competition is in progress would involve disclosing his identity and would be a breach of the agreement under which he is admitted as a participant. An attempt on the part of an unsuccessful competitor to influence the owner's final decision would involve a breach of good faith with architects who participated.

(No. 7). It would impugn the good faith of the adviser in his relations to the competitors and owner should he accept the commission as architect for the work, thus making himself party with the owner to a breach of the contract with the competitors as to the award.

(No. 8). To bear false witness or otherwise maliciously injure the reputation of a fellow practitioner is a breach of the moral code that should govern human all relations.

(No. 9). Where the employment of an architect has been terminated but where his claim for compensation or damages remains unsatisfied, another architect, who in the meantime accepts the same commission, exposes himself to the charge of attempting to supplant a fellow practitioner. To guard against this and as a professional courtesy, the commission should not be undertaken without a conference with the architect previously employed and a satisfactory understanding as to his present status and rights in the matter.

To volunteer the submission of sketches or otherwise to solicit employment where another architect is known to be engaged on a project (No. 10) constitutes an effort to supplant a fellow practitioner, a practice which is derogatory to the dignity of the profession, and which, if encouraged by the owner before reaching a final decision, is equivalent to establishing an unregulated competition.

Beside the documents already mentioned, the constitution of the Institute provides for a schedule of profes-

sional charges complying with good practice and custom, and while this schedule is not made mandatory it indicates a minimum charge for services based upon experience under ordinary conditions.

An architect is at liberty to disregard this schedule if he sets a lower valuation upon his services in making his terms with his client. It is unprofessional, however, for an architect to attempt to secure employment by underbidding a fellow architect. Such a practice not only places his advisory service upon the basis of merchandise bartered in trade but exposes the lower bidder to the charge of endeavoring to supplant a fellow practitioner should the owner have already taken steps toward his employment.

Unlike the publishers of house plans and designers who make a business of furnishing general plans without undertaking to supervise the building operation, the Institute holds that the architect in his professional capacity has a larger duty to his client. As a technical adviser his services consist of a personal study of the client's problem, to which he brings the result of his education and experience, taste and judgment; and furthermore his services properly include the general administration of the business details and supervision of the work and preparation of contract documents. The preliminary studies or sketches and the working drawings necessary to the building operation are simply instruments of service which remain the property of the architect, and are not equivalent to a commodity to be purchased of the lowest bidder.

THE PROCEDURE FOR THE ENFORCEMENT OF ETHICAL STANDARDS

For the enforcement of the mandatory principles embraced in the Canons of Ethics, the constitution and by-laws

provide a disciplinary procedure as follows:

Art. VII, Sec. 3 of the Constitution

All questions of discipline of a Member shall be submitted to the Board of Directors, which shall decide finally and without recourse any questions of action conflicting with the Constitution or By-Laws of the Institute or of the member's Chapter, non-payment of dues to Institute or Chapter, or questions of unprofessional conduct; and acting under this section the Board may suspend a Member, pass a vote of censure upon him, drop his name from the roll of members, or expel him; but no such action shall be taken until the accused shall have had an opportunity to be heard in his own defense.

Art. IV, Sec. 2 of the By-Laws

All questions of discipline of a member shall be determined in accordance with the following procedure:

It shall be competent for and shall be the duty of any Member or Committee of the Institute or of any Chapter to bring to the attention of the Committee on Practice any alleged unprofessional conduct on the part of any Member without being deemed to have entered a formal complaint against such Member. The Committee on Practice shall, when its attention is drawn to any such matter, conduct a preliminary examination into the facts, and if a *prima facie* case shall appear against a Member, it shall so report to the Judiciary Committee. The Judiciary Committee shall hear and adjudge every case so reported to it and shall give the Member an opportunity to be heard in his own defense. Its findings shall be conclusive in regard to all questions of fact involved in the evidence submitted.

The Judiciary Committee shall report its findings to the Board of Directors. If the findings are adverse to a Member, the Board of Directors shall take such action thereon as it shall see fit according to the Constitution. A

Member may appeal in writing to the Board of Directors on questions of professional or ethical policy.

Any Member may appeal to the Committee on Practice from any action of a Chapter Executive Committee regarding alleged unprofessional conduct. In such case the procedure shall be as provided above in this section, but no decision of the Committee on Practice or the Judiciary Committee reversing the previous action of the Chapter Executive Committee shall be effective unless ratified by the Board of Directors. The action of the Board of Directors shall supersede the action of the Chapter Executive Committee.

If in any case pending before either the Committee on Practice or the Judiciary Committee, any oral testimony has actually been given, such committee shall have the power to continue and conclude its work on that particular case, notwithstanding the expiration of the term of office of any or all of its Members.

The Board of Directors shall, from time to time, establish rules of procedure for the guidance of the Committee on Practice and the Judiciary Committee.

RULES FOR THE DISCIPLINARY COMMITTEES

To perform its disciplinary functions the Committee on Practice and the Judiciary Committee above referred to are governed by rules which set forth the procedure following a charge of unprofessional conduct against a member. In some cases a preliminary investigation is made by the local Chapter when one of its members is involved and if the evidence warrants, the charge may be dismissed by the local body, or referred to the Institute Committee on Practice, the case being then taken up in pursuance of the following rules:

RULE 1. Procedure of Committee on Practice.—Whenever there has been

brought to the attention of the Committee on Practice any alleged unprofessional conduct on the part of any member, the Committee on Practice, after due investigation, if of the opinion that a *prima facie* case has been made out, shall send the following information by registered mail to the member involved, to the complaining member if there is one of record, and to each member of the Judiciary Committee:

A copy of the findings of the Committee on Practice, embracing a reference to the Code, Canon, By-Law, or other rule or principle of the Institute claimed to be violated;

A specification in concise form of the particular offense, giving in detail its time, place, and occasion, as far as practicable; also a complete file of evidence of the case as transmitted to the Judiciary Committee;

And a printed copy of these rules.

RULE 2. *Procedure of Judiciary Committee.*—The Chairman of the Judiciary Committee, on receipt of copies of the findings and all evidence of record in regard to the case from the Committee on Practice, will communicate by registered mail with the member to whom notice has been sent as provided for in Rule 1, with the request that he state whether he acknowledges the facts to be in substantial accordance with the findings of the Committee on Practice, and whether he is willing to waive a formal hearing before the Judiciary Committee. If such hearing is waived he shall be permitted to present a written statement in explanation of his alleged offense, which will be duly considered by the Judiciary Committee in rendering its decision and in submitting its report to the Board of Directors; but in case he denies the findings of the Committee on Practice, or does not waive a formal hearing (and delay in replying beyond fifteen days from the date of the notice of the Chairman of the Judiciary Committee above provided for will be construed as a waiver), or in case the offense with which the member is charged is of such

gravity that the Judiciary Committee is of the opinion that a formal hearing is necessary, then a formal hearing will be ordered by the Chairman of the Judiciary Committee who will advise him by registered mail of the place, date, and hour at which the Judiciary Committee will hear the matter, notifying him that he will be at liberty to appear at such hearing and to offer at that time any evidence on his own behalf in denial or palliation of the particular offense on which the findings of the Committee on Practice are based. The complaining member, if there be one of record, shall also be notified, by registered mail, of the place, date, and hour of the hearing, and he shall be given the opportunity of testifying at said hearing.

The Committee on Practice, through its Chairman or otherwise, may present for the consideration of the Judiciary Committee at the said hearing such additional evidence as may have come into its possession since its findings were transmitted to the Judiciary Committee, and shall have the right to summon and to question witnesses with a view of bringing out all sides of the case at issue. The Judiciary Committee may also summon and question witnesses if the circumstances so warrant in its judgment.

RULE 3. *Absence of Interested Parties.*—The absence of the member against whom complaint has been made, or the absence of witnesses duly summoned from the hearing before the Judiciary Committee (held as above provided in Rule 2), shall not prevent the Committee from proceeding with the case and making due disposition of it in accordance with the evidence presented.

RULE 4. *Refusal to Testify.*—The member against whom the Committee on Practice has found a *prima facie* case shall, on his appearance before the Judiciary Committee, present himself for examination and shall fully answer all material questions that may be propounded to him, and the refusal to so

answer such questions, or the deliberate evasion thereof in the judgment of the Committee, shall be construed as a violation of the objects of the Charter of the Institute as well as of its Constitution, and shall be reported to the Board of Directors by the Judiciary Committee who may after proper proceedings discipline or expel such member.

RULE 5. Submission of Evidence.—The Judiciary Committee shall be the sole and absolute judge of the admissibility of all evidence brought before it as well as of its value. While the best evidence is in general to be procured, the Committee shall be entirely free to accept any other logically relevant evidence that may be offered to it, and if the same is not the best evidence obtainable, to give it such rating for accuracy and reliability as they see fit. If members of the Institute have in their possession any original letters or papers or copies thereof that are involved in any complaint or findings, they shall produce said letters or papers or copies on request or shall send copies thereof with a certificate annexed, signed by themselves, stating that the original is in their possession and that they have personally compared the copy with it and that the copy submitted is a true, complete, and correct copy thereof.

RULE 6. Hearings by the Board.—If the Judiciary Committee, after hearing a case against a member, makes any findings involving such member, that member, and the complaining member, if there is one of record, shall be notified thereof by registered letters. Such notice should contain the findings of the Judiciary Committee, the judgment it recommends, and be in the form and substance in which the findings are to be presented to the Board of Directors.

When the Judiciary Committee makes a finding it shall contain the findings of the Committee on Practice, a statement of the case, a recital of the facts of the case, the discussion of the Judiciary Committee, and its decision.

Copies of the findings shall also be mailed to each member of the Board of Directors; and the Board, through the Secretary of the Institute, shall set a time and place at which the findings of the Judiciary Committee shall be presented, and at which the accused shall have opportunity to be heard. A notice shall be sent to the accused and to the complaining member, if there is one of record, by registered mail thirty days in advance of the time of the hearing, notifying each of them of the time and place of hearing.

The Chairman of the Judiciary Committee may prosecute the case before the Board with the assistance of the other members of the Judiciary Committee if they so desire, but neither the Chairman of the Judiciary Committee nor any member of the Judiciary Committee shall participate in the deliberations of the Board of Directors over the matter nor vote thereon.

At the hearing the Judiciary Committee will present its findings to the Board, at which time the accused shall be given opportunity to be heard in his own defense, and he may introduce written evidence or call witnesses in refutation of the charge against him, but in all cases the Board shall be the judge of the relevancy or the admissibility of such evidence. Such testimony must be logically relevant to the findings of the Judiciary Committee, unless in the judgment of the Board of Directors the accused should be permitted to raise a question of professional or ethical policy, in which case evidence of a more general character may be introduced. If the accused does not appear personally, he may submit his defense in a written communication addressed to the Board of Directors.

RULE 7. Publication of Findings.—The action taken by the Board of Directors whether for or against the accused shall be reported to each member of the Institute in full or in brief as shall be determined by the Board of Directors, who in their discretion may also

direct the sending of the findings of the Judiciary Committee to each member.

RULE 8. *Publication of Exoneration.*
—Should the Committee on Practice fail to find a *prima facie* case, it shall so advise the Board of Directors, for record, and the accused and accuser. Should the Judiciary Committee exonerate any accused member, the Secretary of the Board shall so advise the accused and accuser, and if requested by the accused shall forward a copy of

its findings for publication in **THE JOURNAL**, in addition to the sending of such findings to each member of the Institute.

RULE 9. *Service of Secretary's Office.*
—The Committee on Practice and the Judiciary Committee may call upon the Secretary of the Institute for the assistance of his clerical force in the work of their committees, and it shall be the duty of the Secretary to furnish such assistance.

The Architectural Student and His Relation to Professional Practice

By **EMIL LORCH**

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YOUNG men enter the architectural profession along two principal lines. Many attend an architectural school and then enter an architect's office for practical experience before engaging in independent practice; others enter such an office directly after attending high school or after pursuing a liberal arts or a scientific course at college.

The recruit's understanding of professional and ethical relations depends largely on the manner in which he has received his general and professional education, upon the kind of approach he makes to his profession and to his duties as a citizen. This approach has varied with conditions, the status of the profession before the public and the profession's realization of its duty.

As a people projects its conception of behavior in the form of law, so a profession when it becomes conscious of its obligations formulates certain regulations for its followers. A standard is set up for membership and good standing in the professional organization and this organization, with the

consent of those governed, exercises disciplinary powers in the way of censure, suspension, or expulsion against offenders. Such an organization does a real educational work for the public and the entire profession concerned, gradually creating an understanding of the aims of the profession and giving it a more definite place in the general economic and social fabric.

After attaining a measure of public recognition, it becomes possible to proceed further and establish a basis of admission to the profession by requiring candidates to qualify educationally under a state law, thus protecting the public to some extent against incompetence, gaining the recognition of the state for the profession, and making possible disbarment from practice of those flagrant offenders against public interest who could not be reached through any code of a purely selective organization.

The organization of a profession with definite and published ideals of performance, seconded by a legal minimum of admission to practice for all, irre-